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November 19, 2015

By ECF and Hand Delivery

The Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room Courtroom 17C
New York, New York 10007-1312

Re: Stanacard, LLC v. Rubard, LLC et al., 1:12-cv-05176 (S.D.N.Y.)

Your Honor:

We represent Defendants Rubard, LLC d/b/a Centmobile, Artur Zaytsev and Alexander Dzerneyko (together the "Rubard Defendants"). We write in response to the Court's question regarding remaining claims in light of the Court's November 18, 2015 ruling dismissing Plaintiff's claim under the Patent Act.

With respect to the Rubard Defendants, plaintiff's complaint was premised entirely on the Rubard Defendants' alleged use of Stanacard's telephone procedure, which the Court has now ruled is not protected by the patent laws because it is based on an abstract unpatentable concept. Plaintiff's remaining claims for copyright infringement, unfair competition and misappropriation of trade secrets, breach of contract, breach of duties, unfair competition and misappropriation of trade secrets under the Delaware Uniform Trade Secrets Act, conversion and unjust enrichment are derivative of the patent claim and, in addition, are each subject to summary judgment on legal grounds independent of the Court's ruling yesterday. See Rubard Defendant's Motion for Summary Judgment, Rule 56.1 Statement of Material Undisputed Facts, supporting affidavits and Memorandum of Law (Docket Nos. 190 - 195)]. Plaintiff did not contest the vast majority of the undisputed material facts with any admissible evidence and its claims should also be dismissed on that basis. See Rubard Defendants' Reply Brief in Further Support of Motion for Summary Judgment. (Docket No. 223).

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Thus, while there are remaining claims, those claims should be summarily dismissed.

Respectfully submitted,



Katherine B. Harrison

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